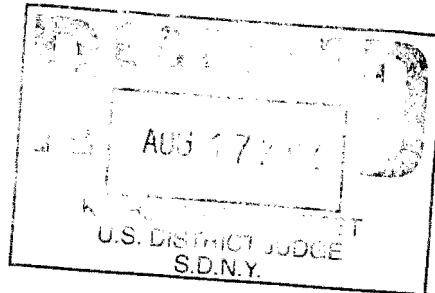
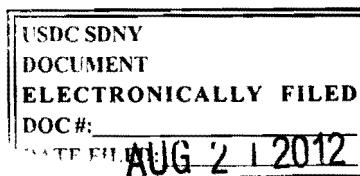


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August 16, 2012



BY OVERNIGHT DELIVERY

Judge Katherine B. Forrest
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Illinois National Insurance Company v. Tutor Perini Corp., No. 11-Civ.-431

Dear Judge Forrest:

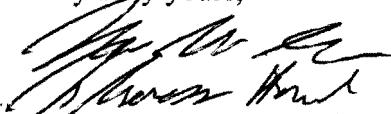
The Parties jointly write to request clarification with respect to what pretrial materials the Parties must provide, and with respect to the scope of the trial scheduled for September 17-18, 2012.

First, the Court's Order dated June 29, 2012 reads that "All pretrial materials (i.e., a list of witnesses, list of exhibits with objections, and motions in limine) are due no later than September 14, 2012." The Parties had initially understood the Court's use of "i.e." as opposed to "e.g." to mean that the list includes all required pretrial items. The Court's Individual Practices document, though, includes several additional types of pretrial submissions, including proposed findings of fact and conclusions of law, and affidavits of direct testimony. Accordingly, the Parties respectfully request guidance as to which requirements in the Court's Individual Practices the Court would like the Parties to submit by September 14, 2012.

Next, per the Court's June 29, 2012 Order, the trial will be a two day trial on declaratory issues only. The Parties understand that the only issue to be tried is whether there is coverage under the various policies at issue, and that, to the extent that the Court may find coverage, issues of damages and allocation between insurers will be decided at a later date, as will Plaintiffs' claims under Mass. G.L. ch. 93A.

The Parties thank you for your consideration of these two issues and look forward to your response.

Very truly yours,


Joshua W. Gardner *Constituted*
Alexander D. Hardiman
George C. Rockas

*"E.g." was intended. The
parties should follow
my individual rules. 8/21/12.*

SO ORDERED:
Katherine B. Forrest

**HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE**